

Notice of Allowability

Application No.

09/622,517

Examiner

Bradley B. Bayat

Applicant(s)

TANABE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on January 23, 2007.
2. ☒ The allowed claim(s) is/are 2-8, 10-13, 15 and 16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2007 has been entered.

Status of Claims

This communication is in response to amendment and remarks filed on January 23, 2007.

- Claims 2, 3, 4, 8, 13, 15 and 16 were amended.
- Claims 1, 9 and 14 were previously canceled.
- Claims 2-8, 10-13, 15 and 16 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below and in consideration with Applicant's representative. However, should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1 (Canceled)

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Claim 2 (Currently Amended) An information processing method comprising: storing information for discriminating contents duplicated in the past with respect to a specific device and temporal data as to a previous start time of duplication of the contents into a database of the specific device; requesting a further duplication of the contents with respect to the specific device; acquiring the information for discriminating content to be duplicated from the database of the specific device; deciding whether copying of the contents discriminated by the discriminating information is allowed in accordance with a comparison between the temporal data stored in the database and current time; and allowing copying of the content; and duplicating the contents in accordance with said decision ~~whether if copying of the content is allowed~~, wherein the duplication of the content is prohibited when an interval of time between the current time and the previous start time of duplication of said content specified by the temporal data stored in the database with respect to the predetermined device is less than predetermined amount of time.

Claim 3 (Currently Amended) A program storage medium including computer program instructions that cause a computer to implement an information processing method comprising: storing information for discriminating contents duplicated in the past with respect to a specific device and temporal data as to a previous start time of duplication of the contents into a database of the specific device; requesting a further duplication of the contents with respect to the specific device; acquiring the information for discriminating content to be duplicated from the database of the specific device; deciding whether copying of the contents discriminated by the discriminating information is allowed in accordance with a comparison between the temporal

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data stored in the database and current time; ~~and allowing copying of the content; and~~
duplicating the contents in accordance with said decision ~~whether if copying of the content is~~
~~allowed~~, wherein the duplication of the content is prohibited when an interval of time between
the current time and the previous start time of duplication of said content specified by the
temporal data stored in the database with respect to the predetermined device is less than
predetermined amount of time.

Claim 4 (Previously Presented): The information processing method according to claim 2
wherein said contents is reproduced from an information storage medium of the specific device.

Claim 5 (Previously Presented): The information processing method according to claim 4
wherein said information recording medium is a compact disc.

Claim 6 (Previously Presented): The information processing method according to claim 2
wherein the discriminating contents is the ISRC.

Claim 7 (Previously Presented): The information processing method according to claim 2
wherein the discriminating information for discriminating the contents is the TOC (Table of
Contents).

Claim 8 (Previously Presented): The information processing method according to claim 6
wherein the ISRC (International Standard Recording Code) as the discriminating information for

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discriminating contents is accessed from an information recording medium and, if the ISRC is not stored in said information recording medium, data of a TOC (Table of Contents) of the information recording medium is utilized as said discriminating information.

Claim 9 (Canceled)

Claim 10 (Previously Presented): The information processing method according to claim 2, further comprising: checking data in said database; and detecting modification using a hash function.

Claim 11 (Previously Presented): The information processing method according to claim 2 wherein said predetermined amount of time is a fixed value.

Claim 12 (Previously Presented): The information processing method according to claim 2 wherein duplication of the content is allowed when said discrimination information and temporal data of the content to be duplicated is not stored in the database.

Claim 13 (Previously Presented): The information processing method according to claim 11 further comprising: detecting a watermark encoded in the content to be duplicated; and wherein said duplicating of contents is dependent on the basis of the watermark if the duplicating is allowed in accordance with the information for discriminating contents.

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Claim 14 (Canceled)

Claim 15 (Previously Presented) The information processing method according to claim 2, further comprising: updating the previous start time of duplication in the database to the present time when the duplication of content is allowed.

Claim 16 (Previously Presented) The program storage medium including computer program instruction for causing a computer to implement an information processing method according to Claim 3, further comprising: updating the previous start time of duplication in the database to the present time when the duplication of content is allowed.

Allowable Subject Matter

Claims 2-8, 10-13, 15 and 16 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 2 and 3, in view of Applicant's arguments and amendments to the claims, the closest prior art of record (Gruse et al., 6,389,538 B1) fails to disclose storing information for discriminating contents duplicated in the past with respect to a specific device and temporal data as to a previous start time of duplication of the contents into a database of the specific device; requesting a further duplication of the contents with respect to the specific device wherein the duplication of the content is prohibited when an interval of time between the current time and the previous start time of duplication of said content specified by the temporal data stored in the database with respect to the predetermined device is less than predetermined amount of time. Gruse et al. fail to disclose duplication of content with respect to a specific

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device and content that may or may not have been duplicated with respect to the specific device, wherein the specific device is prohibited when an interval of time between the present time and the start time of the prior duplication of the content is less than a predetermined period. Claims 4-8, 10-13, 15 and 16 depend from claims 2 and 3 and are allowable for the reasons stated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Bradley B. Bayat', with a stylized flourish extending from the end.

Bradley B. Bayat
Primary Examiner
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